For audio, dial:
888-957-9861

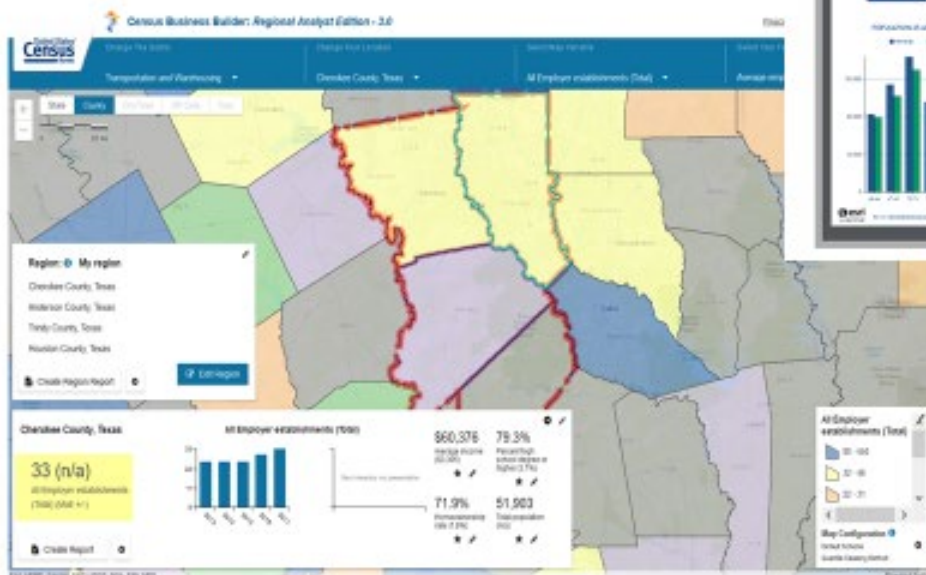Passcode: 5245072#

Contact Information

- International Trade Help Line 800-549-0595

    - Automated Export System, Option 1
    - Schedule B Commodity Classification, Option 2
    - Foreign Trade Regulations and Export Filing Requirements, Option 3
    - Trade Data Productions, Option 4
    - Outreach Activities, Option 5

  – Census Academy www.census.gov/academy

  – Census Trade Podcast
  – https://www.youtube.com/watch?v=xvqNNmzM2Jc&t=47s

Introduction

About DDTC:

Mission: Ensuring commercial exports of defense articles and defense services advance U.S. national security and foreign policy objectives.

- **Organizational Structure:**
  - Policy Office (DTCP)
  - Licensing Office (DTCL)
  - Compliance Office (DTCC)
  - Management Office (DTCM)

- **Key Functions:**
  - Establishing and maintaining defense export regulations (ITAR)
  - Registering entities and individuals
  - Adjudicating export licenses
  - Responding to inquiries
  - Promoting and enforcing compliance

About the Speakers:

Patrick Reimnitz works on the management team at DTCL and has over four years of Agreements experience. He is the author of the upcoming Agreement Guidelines Revision 5.0.

Dhramen P. Singh is an Agreements Officer focusing on Electronics & Training Systems. He has worked with DTCL since August 2020.

Lisa Parker, Charlie Liebetrau and Chris Radcliffe support the IT Modernization team at DDTC by providing trainings, developing strategic communications, and DECCS outreach.

Agenda

1. Introduction to Agreements

2. Common RWA Situations

3. Review Process

4. Policy and Scope Changes

5. Tips, Tricks, and Tradecraft

6. Q&A period

How to Ask Questions

All lines are muted

Please enter your questions in the WebEx chat

What is an Agreement?

An Agreement generally involves multiple transactions of hardware and/or tech data between <u>two or more parties involving the performance of defense services.</u>
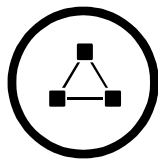
Agreement Types

Technical Assistance Agreement (TAA)
- Performance of a defense service(s) or the disclosure of technical data

Manufacturing License Agreement (MLA)
- Manufacture defense articles abroad involving tech data, defense articles, or defense services

Warehouse Distribution Agreement (WDA)
- Establishment of a distribution point abroad for defense articles exported from the U.S. for subsequent distribution

Main Components

Transmittal Letter

An explanation to the USG. Includes details not released to foreign parties

Proposed Agreement

This provides the customer with the authorization to export

DSP-5 Vehicle Form

The electronic submission form

Common RWA Situations

Errors on the DSP-5
- Block 11 (USML Category)
- Block 12 (Value)

Improperly filling out the DSP-5 Vehicle

Failure to list all end users and transfer territories on the DSP-5 vehicle

Block 14 on the DSP-5: Government as an End-User

Part 130 for Amendments: Block 22 on the DSP-5

Mismatch between the documents and the DSP-5 entries

When submitting, remember to include:

- Transmittal Letter
- Proposed Agreement
- DSP-5 Vehicle Form

*Excluding any of the mentioned components will result in an RWA.

*Use the Agreement Guidelines!

Why Does Review Matter?

DDTC Mission Statement

Ensure commercial exports of defense articles and defense services advance U.S. national security and foreign policy objectives.

Review Process

1. **Initial Review (DDTC)**

2. **Interagency Review**

3. **Final Review and Adjudication**

Review Process

1   **Initial Review (DDTC)**

- Once DDTC receives an Agreement/Amendment request, the analyst reviews the request for accurate and complete application materials. If sufficient, the request is passed on to the interagency.

2   **Interagency Review**

3   **Final Review and Adjudication**

Review Process

1. **Initial Review (DDTC)**

2. **Interagency Review**

   - DOD
     - national security review
   - Regional Security and Arms Transfers (RSAT)
     - Foreign policy review
   - Regional Bureaus
     - Foreign policy review
   - Bureau of Democracy, Human Rights and Labor Affairs (DRL)
     - Human rights
   - Other Agencies

3. **Final Review and Adjudication**

Review Process

1 **Initial Review (DDTC)**

_____

2 **Interagency Review**

_____

3 **Final Review and Adjudication**

_____

- After interagency review, DDTC adjudicates the positions and may conduct additional reviews. Once a government position is finalized, an agreement/amendment may either be approved with conditions or denied for national security or foreign policy reasons.

Policy and Scope Changes

The scope of our review and the policy driving our decisions change with time

In the news?

If a country or situation is in the news, there is a good chance the **policy** behind our review has changed.

Existing agreements

Making an amendment to an already approved agreement may require additional staffing and a high-level review.

Examples of recent policy/scope changes:

| Russia | Ethiopia | Saudi Arabia |

Staffing and Status

Internal staffing and status updates

Internal DOS Staffing:

- Customers who submit agreements/amendments may have their submissions internally staffed based on geopolitical policy and scope criteria. These typically entail internal monitoring and policy hold adjustments.

Status Updates:

- ELISA does not show customers if their agreement/amendment is internally staffed. Don't worry if your agreement/amendment doesn't seem like it's moving through the process – it's being reviewed internally.

Tips, Tricks, and Tradecraft

Transmittal Letter

- Do not encrypt your transmittal letter
- If reviewers cannot copy and paste from your letter, it will drastically slow the process
- Components:
  - Who is the submitter?
  - What is their registration code?
  - Why are they submitting?

Use DDTC Templates

- DDTC does not want submitters to create these materials from scratch
- Letters, agreements and amendments should often be created from a template
- Using templates can often speed up the review process

Be Direct

- Do not use contract language in the amendment or agreement
- Provide the "what" and "why" first, then add supporting information
- Avoid open-ended language (i.e., not limited to)

TAA and MLA

- What is the difference between a TAA and an MLA? If we have to send manufacturing know-how to the foreign party, does that automatically mean it's an MLA rather than a TAA?

Common Questions

- How do I assign a value to my proposed TAA/MLA?

Common Questions

Classified Data/Services

- Our proposed agreement involves classified data/services. Should we use a DSP-85 as the vehicle to submit it, instead of the DSP-5?

Common Questions

Agreement Length

- Our agreement is supposed to be for ten years, but the DSP-5 says 48 months. Why the difference?

Common Questions

Agreement Extensions

- Our agreement expires next month. Is it too late to request an extension? [The 60-day rule]

Questions?

To ask a question, type it into the WebEx Q&A chat box